

L.A., an adjudicated “adult ward”)
under court-appointed conservatorship,)
by Next Friend, and mother,)
Renate Arnold,)
))
Plaintiff,) **No. 3:11-cv-01088**
))
v.) **Judge Sharp**
) **Magistrate Judge Bryant**
BELINDA MITCHELL, et al.,)
))
Defendants.)

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11. Restoration Residential Services, LLC;
12. The State of Tennessee; and
13. Office of the Tennessee Attorney General.

Arnold alleges that Defendants have violated her mentally incompetent daughter's rights under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, and her rights under various amendments to the United States Constitution, pursuant to 42 U.S.C. § 1983 and other civil statutes.

On April 9, 2012, Magistrate Judge Bryant entered an order (Docket Entry No. 73) requiring Plaintiff's next of friend and mother, Arnold, to show cause why the complaint should not be dismissed for her failure to be represented by a licensed attorney, as required by law. In her response to the Court's order to show cause (Docket Entry No. 80), Arnold contended that the Court should remedy this deficiency by granting her *Verified Motion for Appointment of Guardian Ad Litem* (Docket Entry No. 2).

The Magistrate Judge entered a Report and Recommendation ("R & R") (Docket Entry No. 82) in this case on May 18, 2012, finding that "this is not a case presenting substantial constitutional question or such exceptional circumstances as to warrant appointment of counsel for plaintiff." Therefore, finding that Renate Arnold, as mother and next of friend of L.A., may not prosecute this case without representation by a licensed attorney and, therefore, that the complaint should be dismissed without prejudice. A timely objection to the R & R was filed on June 26, 2012. (Docket Entry No. 91).¹

Having reviewed the matter *de novo* in accordance with Federal Rule of Civil Procedure 72(b), the Court will overrule Plaintiff's Objections and accept the R & R.

¹ An Order was entered on May 23, 2012, granting Plaintiff's *Motion for Extension of Time to File Written Objections to Magistrate's Report & Recommendations*. See (Docket Entry Nos. 84 and 86).

Accordingly, the Court hereby rules as follows:


(1) The Report and Recommendation (Docket Entry No. 82) is hereby ACCEPTED and APPROVED, and Plaintiff's Objections thereto (Docket Entry No. 91) are hereby OVERRULED;

(2) All remaining pending motions are hereby DENIED AS MOOT; and

(3) This case is hereby DISMISSED WITHOUT PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE